

**CS FOR SENATE BILL NO. 189(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 4/8/22

Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to sex trafficking; establishing the crime of patron of a victim of sex  
2 trafficking; relating to the crime of human trafficking; relating to prostitution; relating  
3 to sentencing for sex trafficking, patron of a victim of sex trafficking, and human  
4 trafficking; establishing the process for vacating judgments for certain convictions of  
5 prostitution and misconduct involving a controlled substance; relating to the Council on  
6 Domestic Violence and Sexual Assault; relating to permanent fund dividends for certain  
7 individuals whose convictions are vacated; and providing for an effective date."

8 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

9 \* **Section 1.** AS 04.06.110 is amended to read:

10 **Sec. 04.06.110. Peace officer powers.** The director and the persons employed  
11 for the administration and enforcement of this title may, with the concurrence of the  
12 commissioner of public safety, exercise the powers of peace officers when those  
13 powers are specifically granted by the board. Powers granted by the board under this

section may be exercised only when necessary for the enforcement of the criminally punishable provisions of this title, regulations of the board, and other criminally punishable laws and regulations, including investigation of violations of laws against prostitution and sex trafficking described in AS 11.41.340 - 11.41.357 and AS 11.66.100 [AS 11.66.100 - 11.66.135] and laws against gambling, promoting gambling, and related offenses described in AS 11.66.200 - 11.66.280. Unless authorized by a search warrant described in AS 12.35, nothing in this section authorizes the use of metal keys, magnetic card keys, or identification cards to access private clubs.

\* **Sec. 2.** AS 09.25.400 is amended to read:

**Sec. 09.25.400. Privilege relating to domestic violence, sex trafficking, and sexual assault counseling.** Confidential communications between a victim of domestic violence, sex trafficking, or sexual assault and a victim counselor are privileged under AS 18.66.200 - 18.66.250.

\* **Sec. 3.** AS 11.41 is amended by adding new sections to read:

**Sec. 11.41.340. Sex trafficking in the first degree.** (a) A person commits the crime of sex trafficking in the first degree if the person

(1) acting as other than a patron of a victim of sex trafficking, induces or causes another person, through the use of force or threat of force against any person, to engage in a commercial sexual act involving

(A) sexual penetration; or

(B) conduct prohibited under AS 11.61.140(a)(6); or

(2) violates AS 11.41.345 or 11.41.350 and the person induced or caused to engage in a commercial sexual act is

(A) under 20 years of age; or

(B) in the legal custody of that person.

(b) Sex trafficking in the first degree is an unclassified felony.

**Sec. 11.41.345. Sex trafficking in the second degree.** (a) A person commits the crime of sex trafficking in the second degree if the person, acting as other than a patron of a victim of sex trafficking, induces or causes another person to engage in a commercial sexual act involving

1 (1) sexual penetration;  
 2 (2) conduct prohibited under AS 11.61.140(a)(6); or  
 3 (3) sexual contact through the use of force or threat of force against  
 4 any person.

5 (b) Sex trafficking in the second degree is a class A felony.

6 **Sec. 11.41.350. Sex trafficking in the third degree.** (a) A person commits the  
 7 crime of sex trafficking in the third degree if the person

8 (1) acting as other than a patron of a victim of sex trafficking,

9 (A) induces or causes another person to engage in a  
 10 commercial sexual act involving sexual contact; or

11 (B) provides services, resources, or other assistance with the  
 12 intent to promote a violation of (A) of this paragraph, AS 11.41.340, or  
 13 11.41.345; or

14 (2) manages, supervises, controls, or owns, either alone or in  
 15 association with others, a prostitution enterprise or a place of prostitution where  
 16 another person engages in commercial sexual conduct.

17 (b) In this section,

18 (1) "place of prostitution" means any place where a person engages in  
 19 commercial sexual acts in return for a fee and the person is not the manager,  
 20 supervisor, owner, or other person who controls the place;

21 (2) "prostitution enterprise" means an arrangement in which two or  
 22 more persons are organized to render sexual conduct in return for a fee;

23 (3) "sexual conduct" means genital or anal intercourse, cunnilingus,  
 24 fellatio, or masturbation of one person by another person.

25 (c) Sex trafficking in the third degree is a

26 (1) class B felony if the person

27 (A) violates (a)(1)(A) or (a)(2) of this section; or

28 (B) violates (a)(1)(B) of this section and the value of the  
 29 services, resources, or other assistance provided is \$200 or greater; or

30 (2) class C felony if the person violates (a)(1)(B) of this section and  
 31 the value of the services, resources, or other assistance provided is less than \$200.

1           **Sec. 11.41.355. Patron of a victim of sex trafficking.** (a) A person commits  
 2 the crime of patron of a victim of sex trafficking if, under circumstances not  
 3 proscribed under AS 11.41.434 - 11.41.440, the person solicits a commercial sexual  
 4 act

5                   (1) with reckless disregard that the person engaging in the commercial  
 6 sexual act is a victim of sex trafficking; or

7                   (2) from a person who is under 18 years of age.

8           (b) In a prosecution under (a)(2) of this section, it is an affirmative defense  
 9 that, at the time of the alleged offense, the defendant

10                   (1) reasonably believed the person to be 18 years of age or older; and

11                   (2) undertook reasonable measures to verify that the person was 18  
 12 years of age or older.

13           (c) Patron of a victim of sex trafficking is a

14                   (1) class B felony if the person violates (a)(2) of this section;

15                   (2) class C felony if the person violates (a)(1) of this section.

16           **Sec. 11.41.357. Inducing or causing a person to engage in a commercial**  
 17 **sexual act.** For purposes of AS 11.41.340 - 11.41.355, a person induces or causes  
 18 another person to engage in a commercial sexual act including by

19                   (1) exposing or threatening to expose confidential information,  
 20 whether true or false, that would subject a person to hatred, contempt, or ridicule;

21                   (2) destroying, concealing, or threatening to destroy or conceal an  
 22 actual or purported passport or immigration document or another actual or purported  
 23 identification document of a person;

24                   (3) threatening to report a person to a government agency for the  
 25 purpose of arrest or deportation;

26                   (4) threatening to collect a debt;

27                   (5) instilling in a person a fear that lodging, food, clothing, or  
 28 medication will be withheld;

29                   (6) providing a schedule IA, IIA, IIIA, IVA, or VA controlled  
 30 substance to or withholding a schedule IA, IIA, IIIA, IVA, or VA controlled substance  
 31 from the other person; or

(7) deception.

\* **Sec. 4.** AS 11.41.360(a) is amended to read:

(a) A person commits the crime of human trafficking in the first degree if, under circumstances not proscribed under AS 11.41.340 - 11.41.357, the person

(1) [COMPELS OR] induces or causes another person to engage in [SEXUAL CONDUCT,] adult entertainment [,] or labor [IN THE STATE] by force or threat of force against any person; or

(2) violates AS 11.41.365 and the victim is under 20 years of age [, OR BY DECEPTION].

\* **Sec. 5.** AS 11.41.360(c) is amended to read:

(c) Human trafficking in the first degree is an unclassified [A CLASS A] felony.

\* **Sec. 6.** AS 11.41.365 is amended to read:

**Sec. 11.41.365. Human trafficking in the second degree.** (a) A person commits the crime of human trafficking in the second degree if the person, under circumstances not proscribed under AS 11.41.340 - 11.41.357, and with the intent to promote human trafficking, induces or causes another person to engage in adult entertainment or labor by

(1) exposing or threatening to expose confidential information, whether true or false, that would subject a person to hatred, contempt, or ridicule;

(2) destroying, concealing, or threatening to destroy or conceal an actual or purported passport or immigration document or another actual or purported identification document of any person;

(3) threatening to report a person to a government agency for the purpose of arrest or deportation;

(4) threatening to collect a debt;

(5) instilling in a person a fear that lodging, food, clothing, or medication will be withheld from any person;

(6) providing a schedule IA, IIA, IIIA, IVA, or VA controlled substance or withholding a schedule IA, IIA, IIIA, IVA, or VA controlled

1 **substance from the other person; or**

2 **(7) deception** [OBTAINS A BENEFIT FROM THE COMMISSION  
3 OF HUMAN TRAFFICKING UNDER AS 11.41.360, WITH RECKLESS  
4 DISREGARD THAT THE BENEFIT IS A RESULT OF THE TRAFFICKING].

5 (b) Human trafficking in the second degree is a class **A** [B] felony.

6 \* **Sec. 7.** AS 11.41 is amended by adding new sections to read:

7 **Sec. 11.41.366. Human trafficking in the third degree.** (a) A person  
8 commits the crime of human trafficking in the third degree if the person provides  
9 services, resources, or other assistance with the intent to promote a violation of  
10 AS 11.41.360 or 11.41.365.

11 (b) Human trafficking in the third degree is

12 (1) a class B felony if the value of the services, resources, or other  
13 assistance provided is \$200 or more;

14 (2) a class C felony if the value of the services, resources, or other  
15 assistance provided is less than \$200.

16 **Sec. 11.41.367. Human trafficking applicability of certain activities.** A  
17 normal caretaker request of a child or a normal interaction with a child is not a  
18 violation of AS 11.41.360 - 11.41.366.

19 **Sec. 11.41.368. Corroboration of certain testimony not required.** In a  
20 prosecution under AS 11.41.340 - 11.41.366, it is not necessary that the testimony of  
21 the person whose conduct is alleged to have been induced or caused be corroborated  
22 by the testimony of any other witness or by documentary or other types of evidence.

23 **Sec. 11.41.369. Forfeiture.** Property used to institute, aid, or facilitate, or  
24 received or derived from, a violation of AS 11.41.340 - 11.41.366, including real  
25 property, may be forfeited at sentencing.

26 \* **Sec. 8.** AS 11.41.530(a) is amended to read:

27 (a) A person commits the crime of coercion if, **under circumstances not**  
28 **proscribed under AS 11.41.340 - 11.41.366,** the person compels another to engage in  
29 conduct from which there is a legal right to abstain or abstain from conduct in which  
30 there is a legal right to engage, by means of instilling in the person who is compelled a  
31 fear that, if the demand is not complied with, the person who makes the demand or

1 another may

2 (1) inflict physical injury on anyone, except under circumstances  
3 constituting robbery in any degree, or commit any other crime;

4 (2) accuse anyone of a crime;

5 (3) expose confidential information or a secret, whether true or false,  
6 tending to subject a person to hatred, contempt, or ridicule or to impair the person's  
7 credit or business repute;

8 (4) take or withhold action as a public servant or cause a public servant  
9 to take or withhold action;

10 (5) bring about or continue a strike, boycott, or other collective  
11 unofficial action, if the property is not demanded or received for the benefit of the  
12 group in whose interest the person making the threat or suggestion purports to act;

13 (6) testify or provide information or withhold testimony or information  
14 with respect to a person's legal claim or defense.

15 \* **Sec. 9.** AS 11.66.100(c) is amended to read:

16 (c) A person may not be prosecuted under (a)(1) of this section if the

17 (1) person witnessed or was a victim of, and reported to law  
18 enforcement in good faith, one or more of the following crimes:

19 (A) murder in the first degree under AS 11.41.100;

20 (B) murder in the second degree under AS 11.41.110;

21 (C) manslaughter under AS 11.41.120;

22 (D) criminally negligent homicide under AS 11.41.130;

23 (E) assault in the first degree under AS 11.41.200;

24 (F) assault in the second degree under AS 11.41.210;

25 (G) assault in the third degree under AS 11.41.220;

26 (H) assault in the fourth degree under AS 11.41.230;

27 (I) sexual assault in the first degree under AS 11.41.410;

28 (J) sexual assault in the second degree under AS 11.41.420;

29 (K) sexual assault in the third degree under AS 11.41.425;

30 (L) sexual assault in the fourth degree under AS 11.41.427;

31 (M) sexual abuse of a minor in the first degree under

AS 11.41.434;

(N) sexual abuse of a minor in the second degree under  
AS 11.41.436;

(O) sexual abuse of a minor in the third degree under  
AS 11.41.438;

(P) sexual abuse of a minor in the fourth degree under  
AS 11.41.440;

(Q) robbery in the first degree under AS 11.41.500;

(R) robbery in the second degree under AS 11.41.510;

(S) extortion under AS 11.41.520;

(T) coercion under AS 11.41.530;

(U) distribution of child pornography under AS 11.61.125;

(V) possession of child pornography under AS 11.61.127;

(W) sex trafficking in the first degree under AS 11.41.340  
[AS 11.66.110];

(X) sex trafficking in the second degree under AS 11.41.345  
[AS 11.66.120];

(Y) sex trafficking in the third degree under AS 11.41.350;  
[AS 11.66.130; OR]

(Z) sex trafficking in the fourth degree under AS 11.66.135; or  
(AA) patron of a victim of sex trafficking under  
AS 11.41.355;

(2) evidence supporting the prosecution under (a)(1) of this section  
was obtained or discovered as a result of the person reporting the crime to law  
enforcement; and

(3) person cooperated with law enforcement personnel.

\* **Sec. 10.** AS 11.66.100(d) is amended to read:

(d) Prostitution [EXCEPT AS PROVIDED IN (e) OF THIS SECTION,  
PROSTITUTION] is a

(1) class B misdemeanor if the defendant violates (a)(1) of this  
section;



1                    **(2) class A misdemeanor if the defendant violates (a)(2) of this**  
 2                    **section;**

3                    **(3) class C felony if the defendant violates (a)(2) of this section and,**  
 4                    **within the preceding five years, the defendant has been previously convicted on**  
 5                    **two or more separate occasions in this or another jurisdiction of an offense under**  
 6                    **(a)(2) of this section or an offense under another law or ordinance with similar**  
 7                    **elements.**

8                    \* **Sec. 11.** AS 11.66.100 is amended by adding a new subsection to read:

9                    (f) Upon conviction under (d)(3) of this section, any property used to institute,  
 10                    aid, or facilitate, or received or derived from, a violation of (d)(3) of this section may  
 11                    be forfeited.

12                    \* **Sec. 12.** AS 11.81.250(a) is amended to read:

13                    (a) For purposes of sentencing under AS 12.55, all offenses defined in this  
 14                    title, except murder in the first and second degree, attempted murder in the first  
 15                    degree, solicitation to commit murder in the first degree, conspiracy to commit murder  
 16                    in the first degree, murder of an unborn child, **human trafficking in the first degree,**  
 17                    sexual assault in the first degree, sexual abuse of a minor in the first degree,  
 18                    misconduct involving a controlled substance in the first degree, sex trafficking in the  
 19                    first degree [UNDER AS 11.66.110(a)(2)], and kidnapping, are classified on the basis  
 20                    of their seriousness, according to the type of injury characteristically caused or risked  
 21                    by commission of the offense and the culpability of the offender. Except for murder in  
 22                    the first and second degree, attempted murder in the first degree, solicitation to  
 23                    commit murder in the first degree, conspiracy to commit murder in the first degree,  
 24                    murder of an unborn child, **human trafficking in the first degree,** sexual assault in  
 25                    the first degree, sexual abuse of a minor in the first degree, misconduct involving a  
 26                    controlled substance in the first degree, sex trafficking in the first degree [UNDER  
 27                    AS 11.66.110(a)(2)], and kidnapping, the offenses in this title are classified into the  
 28                    following categories:

29                    (1) class A felonies, which characteristically involve conduct resulting  
 30                    in serious physical injury or a substantial risk of serious physical injury to a person;

31                    (2) class B felonies, which characteristically involve conduct resulting

1 in less severe violence against a person than class A felonies, aggravated offenses  
2 against property interests, or aggravated offenses against public administration or  
3 order;

4 (3) class C felonies, which characteristically involve conduct serious  
5 enough to deserve felony classification but not serious enough to be classified as A or  
6 B felonies;

7 (4) class A misdemeanors, which characteristically involve less severe  
8 violence against a person, less serious offenses against property interests, less serious  
9 offenses against public administration or order, or less serious offenses against public  
10 health and decency than felonies;

11 (5) class B misdemeanors, which characteristically involve a minor  
12 risk of physical injury to a person, minor offenses against property interests, minor  
13 offenses against public administration or order, or minor offenses against public health  
14 and decency;

15 (6) violations, which characteristically involve conduct inappropriate  
16 to an orderly society but which do not denote criminality in their commission.

17 \* **Sec. 13.** AS 11.81.250(b) is amended to read:

18 (b) The classification of each felony defined in this title, except murder in the  
19 first and second degree, attempted murder in the first degree, solicitation to commit  
20 murder in the first degree, conspiracy to commit murder in the first degree, murder of  
21 an unborn child, human trafficking in the first degree, sexual assault in the first  
22 degree, sexual abuse of a minor in the first degree, misconduct involving a controlled  
23 substance in the first degree, sex trafficking in the first degree [UNDER  
24 AS 11.66.110(a)(2)], and kidnapping, is designated in the section defining it. A felony  
25 under the law of this state defined outside this title for which no penalty is specifically  
26 provided is a class C felony.

27 \* **Sec. 14.** AS 11.81.900(b) is amended by adding new paragraphs to read:

28 (69) "adult entertainment" means the conduct described in  
29 AS 23.10.350(f)(1) - (3);

30 (70) "commercial sexual act" means a sexual act for which anything of  
31 value is given or received by any person; in this paragraph, "anything of value" does

not include compensation for reasonably apportioned shared expenses of a residence;

(71) "services, resources, or other assistance" includes financial support, business services, lodging, transportation, providing false identification documents or other documentation, equipment, facilities, or any other service or property, regardless of whether the person is compensated;

(72) "sexual act" means sexual penetration or sexual contact;

(73) "victim of sex trafficking" means a person who has been induced or caused to engage in a commercial sexual act under AS 11.41.340 - 11.41.350;

\* **Sec. 15.** AS 12.10.010 is amended to read:

**Sec. 12.10.010. General time limitations.** (a) Prosecution for the following offenses may be commenced at any time:

(1) murder;

(2) attempt, solicitation, or conspiracy to commit murder or hindering the prosecution of murder;

(3) felony sexual abuse of a minor;

(4) sexual assault that is an unclassified, class A, or class B felony or a violation of AS 11.41.425(a)(2) - (4);

(5) a violation of AS 11.41.425 [AS 11.41.425], 11.41.427, 11.41.450 - 11.41.458, [AS 11.66.110 - 11.66.130,] or former AS 11.41.430, when committed against a person who, at the time of the offense, was under 18 years of age;

(6) kidnapping;

(7) distribution of child pornography in violation of AS 11.61.125;

(8) sex trafficking in the first or second degree [VIOLATION OF AS 11.66.110 - 11.66.130 THAT IS AN UNCLASSIFIED, CLASS A, OR CLASS B FELONY OR THAT IS COMMITTED AGAINST A PERSON WHO, AT THE TIME OF THE OFFENSE, WAS UNDER 20 YEARS OF AGE];

(9) human trafficking in the first or second degree [VIOLATION OF AS 11.41.360 OR 11.41.365].

(b) Except as otherwise provided by law or in (a) of this section, a person may not be prosecuted, tried, or punished for an offense unless the indictment is found or the information or complaint is instituted not later than

(1) 10 years after the commission of a felony offense in violation of AS 11.41.120 - 11.41.330, **11.41.350, 11.41.366,** 11.41.425(a)(1), 11.41.425(a)(5), 11.41.425(a)(6), or 11.41.450 - 11.41.458; or

(2) five years after the commission of any other offense.

\* **Sec. 16.** AS 12.37.010 is amended to read:

**Sec. 12.37.010. Authorization to intercept communications.** The attorney general, or a person designated in writing or by law to act for the attorney general, may authorize, in writing, an ex parte application to a court of competent jurisdiction for an order authorizing the interception of a private communication if the interception may provide evidence of, or may assist in the apprehension of persons who have committed, are committing, or are planning to commit, the following offenses:

(1) murder in the first or second degree under AS 11.41.100 - 11.41.110;

(2) kidnapping under AS 11.41.300;

(3) a class A or unclassified felony drug offense under AS 11.71;

(4) sex trafficking in the first or second degree under **AS 11.41.340 or 11.41.345** [AS 11.66.110 AND 11.66.120]; or

(5) human trafficking in the first **or second** degree under AS 11.41.360 **or 11.41.365.**

\* **Sec. 17.** AS 12.45.049 is amended to read:

**Sec. 12.45.049. Privilege relating to domestic violence, sex trafficking, and sexual assault counseling.** Confidential communications between a victim of domestic violence, **sex trafficking,** or sexual assault and a victim counselor are privileged under AS 18.66.200 - 18.66.250.

\* **Sec. 18.** AS 12.55.035(b) is amended to read:

(b) Upon conviction of an offense, a defendant who is not an organization may be sentenced to pay, unless otherwise specified in the provision of law defining the offense, a fine of not more than

(1) \$500,000 for murder in the first or second degree, attempted murder in the first degree, murder of an unborn child, **human trafficking in the first degree,** sexual assault in the first degree, sexual abuse of a minor in the first degree,

1 kidnapping, sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)], or  
 2 misconduct involving a controlled substance in the first degree;

3 (2) \$250,000 for a class A felony;

4 (3) \$100,000 for a class B felony;

5 (4) \$50,000 for a class C felony;

6 (5) \$25,000 for a class A misdemeanor;

7 (6) \$2,000 for a class B misdemeanor;

8 (7) \$500 for a violation.

9 \* **Sec. 19.** AS 12.55.078(f) is amended to read:

10 (f) The court may not suspend the imposition or entry of judgment and may  
 11 not defer prosecution under this section of a person who

12 (1) is charged with a violation of AS 11.41.100 - 11.41.220, 11.41.260  
 13 - 11.41.320, **11.41.340 - 11.41.370** [11.41.360 - 11.41.370], 11.41.410 - 11.41.530,  
 14 AS 11.46.400, **or** AS 11.61.125 - 11.61.128 [, OR AS 11.66.110 - 11.66.135];

15 (2) uses a firearm in the commission of the offense for which the  
 16 person is charged;

17 (3) has previously been granted a suspension of judgment under this  
 18 section or a similar statute in another jurisdiction, unless the court enters written  
 19 findings that by clear and convincing evidence the person's prospects for rehabilitation  
 20 are high and suspending judgment under this section adequately protects the victim of  
 21 the offense, if any, and the community;

22 (4) is charged with a violation of AS 11.41.230, 11.41.250, or a felony  
 23 and the person has one or more prior convictions for a misdemeanor violation of  
 24 AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction  
 25 having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a  
 26 felony in this state; for the purposes of this paragraph, a person shall be considered to  
 27 have a prior conviction even if

28 (A) the charges were dismissed under this section;

29 (B) the conviction has been set aside under AS 12.55.085; or

30 (C) the charge or conviction was dismissed or set aside under  
 31 an equivalent provision of the laws of another jurisdiction; or

(5) is charged with a crime involving domestic violence, as defined in AS 18.66.990.

\* **Sec. 20.** AS 12.55.085(f) is amended to read:

(f) The court may not suspend the imposition of sentence of a person who

(1) is convicted of a violation of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, **11.41.340 - 11.41.370** [11.41.360 - 11.41.370], 11.41.410 - 11.41.530, AS 11.46.400, **or** AS 11.61.125 - 11.61.128 [, OR AS 11.66.110 - 11.66.135];

(2) uses a firearm in the commission of the offense for which the person is convicted; or

(3) is convicted of a violation of AS 11.41.230 - 11.41.250 or a felony and the person has one or more prior convictions for a misdemeanor violation of AS 11.41 or for a felony or for a violation of a law in this or another jurisdiction having similar elements to an offense defined as a misdemeanor in AS 11.41 or as a felony in this state; for the purposes of this paragraph, a person shall be considered to have a prior conviction even if that conviction has been set aside under (e) of this section or under the equivalent provision of the laws of another jurisdiction.

\* **Sec. 21.** AS 12.55.125(b) is amended to read:

(b) A defendant convicted of attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, kidnapping, **human trafficking in the first degree**, or misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years. A defendant convicted of murder in the second degree or murder of an unborn child under AS 11.41.150(a)(2) - (4) shall be sentenced to a definite term of imprisonment of at least 15 years but not more than 99 years. A defendant convicted of murder in the second degree shall be sentenced to a definite term of imprisonment of at least 20 years but not more than 99 years when the defendant is convicted of the murder of a child under 16 years of age and the court finds by clear and convincing evidence that the defendant (1) was a natural parent, a stepparent, an adoptive parent, a legal guardian, or a person occupying a position of authority in relation to the child; or (2) caused the death of the child by committing a crime against a person under

AS 11.41.200 - 11.41.530. In this subsection, "legal guardian" and "position of authority" have the meanings given in AS 11.41.470.

\* **Sec. 22.** AS 12.55.125(i) is amended to read:

(i) A defendant convicted of

(1) sexual assault in the first degree, sexual abuse of a minor in the first degree, unlawful exploitation of a minor under AS 11.41.455(c)(2), or sex trafficking in the first degree [UNDER AS 11.66.110(a)(2)] may be sentenced to a definite term of imprisonment of not more than 99 years and shall be sentenced to a definite term within the following presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was

(i) less than 13 years of age, 25 to 35 years;

(ii) 13 years of age or older, 20 to 30 years;

(B) if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, 25 to 35 years;

(C) if the offense is a second felony conviction and does not involve circumstances described in (D) of this paragraph, 30 to 40 years;

(D) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 35 to 45 years;

(E) if the offense is a third felony conviction and the defendant is not subject to sentencing under (F) of this paragraph or (I) of this section, 40 to 60 years;

(F) if the offense is a third felony conviction, the defendant is not subject to sentencing under (I) of this section, and the defendant has two prior convictions for sexual felonies, 99 years;

(2) **sex trafficking in the second degree**, unlawful exploitation of a minor under AS 11.41.455(c)(1), enticement of a minor under AS 11.41.452(e), or attempt, conspiracy, or solicitation to commit sexual assault in the first degree, sexual

1 abuse of a minor in the first degree, **unlawful exploitation of a minor under**  
 2 **AS 11.41.455(c)(2)**, or sex trafficking in the first degree [UNDER  
 3 AS 11.66.110(a)(2)] may be sentenced to a definite term of imprisonment of not more  
 4 than 99 years and shall be sentenced to a definite term within the following  
 5 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

6 (A) if the offense is a first felony conviction, the offense does  
 7 not involve circumstances described in (B) of this paragraph, and the victim  
 8 was

9 (i) under 13 years of age, 20 to 30 years;

10 (ii) 13 years of age or older, 15 to 30 years;

11 (B) if the offense is a first felony conviction and the defendant  
 12 possessed a firearm, used a dangerous instrument, or caused serious physical  
 13 injury during the commission of the offense, 25 to 35 years;

14 (C) if the offense is a second felony conviction and does not  
 15 involve circumstances described in (D) of this paragraph, 25 to 35 years;

16 (D) if the offense is a second felony conviction and the  
 17 defendant has a prior conviction for a sexual felony, 30 to 40 years;

18 (E) if the offense is a third felony conviction, the offense does  
 19 not involve circumstances described in (F) of this paragraph, and the defendant  
 20 is not subject to sentencing under (I) of this section, 35 to 50 years;

21 (F) if the offense is a third felony conviction, the defendant is  
 22 not subject to sentencing under (I) of this section, and the defendant has two  
 23 prior convictions for sexual felonies, 99 years;

24 (3) **sex trafficking in the third degree under AS 11.41.350(c)(1),**  
 25 **patron of a victim of sex trafficking under AS 11.41.355(c)(1)**, sexual assault in the  
 26 second degree, sexual abuse of a minor in the second degree, enticement of a minor  
 27 under AS 11.41.452(d), indecent exposure in the first degree under  
 28 AS 11.41.458(b)(2), [OR] distribution of child pornography under  
 29 AS 11.61.125(e)(2), **or attempt, conspiracy, or solicitation to commit, sex**  
 30 **trafficking in the second degree, unlawful exploitation of a minor under**  
 31 **AS 11.41.455(c)(1), or enticement of a minor under AS 11.41.452(e)** may be



1 sentenced to a definite term of imprisonment of not more than 99 years and shall be  
 2 sentenced to a definite term within the following presumptive ranges, subject to  
 3 adjustment as provided in AS 12.55.155 - 12.55.175:

4 (A) if the offense is a first felony conviction, five to 15 years;

5 (B) if the offense is a second felony conviction and does not  
 6 involve circumstances described in (C) of this paragraph, 10 to 25 years;

7 (C) if the offense is a second felony conviction and the  
 8 defendant has a prior conviction for a sexual felony, 15 to 30 years;

9 (D) if the offense is a third felony conviction and does not  
 10 involve circumstances described in (E) of this paragraph, 20 to 35 years;

11 (E) if the offense is a third felony conviction and the defendant  
 12 has two prior convictions for sexual felonies, 99 years;

13 (4) **sex trafficking in the third degree under AS 11.41.350(c)(2),**  
 14 **patron of a victim of sex trafficking under AS 11.41.355(c)(2),** sexual assault in the  
 15 third degree, sexual abuse of a minor in the third degree under AS 11.41.438(c),  
 16 incest, indecent exposure in the first degree under AS 11.41.458(b)(1), indecent  
 17 viewing or production of a picture under **AS 11.61.123(g)(1) or (2)**  
 18 **[AS 11.61.123(f)(1) OR (2)],** possession of child pornography, distribution of child  
 19 pornography under AS 11.61.125(e)(1), or attempt, conspiracy, or solicitation to  
 20 commit **sex trafficking in the third degree under AS 11.41.350(c)(1), patron of a**  
 21 **victim of sex trafficking under AS 11.41.355(c)(1),** sexual assault in the second  
 22 degree, sexual abuse of a minor in the second degree, [UNLAWFUL  
 23 EXPLOITATION OF A MINOR,] or distribution of child pornography **under**  
 24 **AS 11.61.125(e)(2),** may be sentenced to a definite term of imprisonment of not more  
 25 than 99 years and shall be sentenced to a definite term within the following  
 26 presumptive ranges, subject to adjustment as provided in AS 12.55.155 - 12.55.175:

27 (A) if the offense is a first felony conviction and does not  
 28 involve the circumstances described in (B) or (C) of this paragraph, two to 12  
 29 years;

30 (B) if the offense is a first felony conviction under  
 31 AS 11.61.125(e)(1) and does not involve circumstances described in (C) of this

paragraph, four to 12 years;

(C) if the offense is a first felony conviction under AS 11.61.125(e)(1), and the defendant hosted, created, or helped host or create a mechanism for multi-party sharing or distribution of child pornography, or received a financial benefit or had a financial interest in a child pornography sharing or distribution mechanism, six to 14 years;

(D) if the offense is a second felony conviction and does not involve circumstances described in (E) of this paragraph, eight to 15 years;

(E) if the offense is a second felony conviction and the defendant has a prior conviction for a sexual felony, 12 to 20 years;

(F) if the offense is a third felony conviction and does not involve circumstances described in (G) of this paragraph, 15 to 25 years;

(G) if the offense is a third felony conviction and the defendant has two prior convictions for sexual felonies, 99 years.

**\* Sec. 23.** AS 12.55.135 is amended by adding a new subsection to read:

(q) A defendant convicted under AS 11.66.100(a)(2) shall be sentenced to a minimum term of imprisonment of 72 hours if the defendant has been previously convicted once in the previous five years in this or another jurisdiction of an offense under AS 11.66.100(a)(2) or an offense under another law or ordinance with similar elements.

**\* Sec. 24.** AS 12.55.185(10) is amended to read:

(10) "most serious felony" means

(A) arson in the first degree, [SEX TRAFFICKING IN THE FIRST DEGREE UNDER AS 11.66.110(a)(2),] enticement of a minor under AS 11.41.452(e), or any unclassified or class A felony prescribed under AS 11.41; or

(B) an attempt, or conspiracy to commit, or criminal solicitation under AS 11.31.110 of, an unclassified felony prescribed under AS 11.41;

**\* Sec. 25.** AS 12.55.185(16) is amended to read:

(16) "sexual felony" means sexual assault in the first degree, sexual

abuse of a minor in the first degree, sex trafficking in the first degree, **sex trafficking in the second degree**, sexual assault in the second degree, sexual abuse of a minor in the second degree, **sex trafficking in the third degree, patron of a victim of sex trafficking**, sexual abuse of a minor in the third degree under AS 11.41.438(c), unlawful exploitation of a minor, indecent viewing or production of a picture under **AS 11.61.123(g)(1) or (2)** [AS 11.61.123(f)(1) OR (2)], distribution of child pornography, sexual assault in the third degree, incest, indecent exposure in the first degree, possession of child pornography, enticement of a minor, and felony attempt, conspiracy, or solicitation to commit those crimes;

\* **Sec. 26.** AS 12.62.900(23) is amended to read:

(23) "serious offense" means a conviction for a violation or for an attempt, solicitation, or conspiracy to commit a violation of any of the following laws, or of the laws of another jurisdiction with substantially similar elements:

(A) a felony offense;

(B) a crime involving domestic violence;

(C) AS 11.41.410 - 11.41.470;

(D) AS 11.51.130 or 11.51.200 - 11.56.210;

(E) AS 11.61.110(a)(7) or 11.61.125;

(F) **AS 11.66.100** [AS 11.66.100 - 11.66.130];

(G) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160; or

(H) former AS 11.40.080, 11.40.110, 11.40.130, or 11.40.200 - 11.40.420, if committed before January 1, 1980.

\* **Sec. 27.** AS 12.63.100(7) is amended to read:

(7) "sex offense" means

(A) a crime under AS 11.41.100(a)(3), or a similar law of another jurisdiction, in which the person committed or attempted to commit a sexual offense, or a similar offense under the laws of the other jurisdiction; in this subparagraph, "sexual offense" has the meaning given in AS 11.41.100(a)(3);

(B) a crime under AS 11.41.110(a)(3), or a similar law of

another jurisdiction, in which the person committed or attempted to commit one of the following crimes, or a similar law of another jurisdiction:

- (i) sexual assault in the first degree;
- (ii) sexual assault in the second degree;
- (iii) sexual abuse of a minor in the first degree; or
- (iv) sexual abuse of a minor in the second degree;

(C) a crime, or an attempt, solicitation, or conspiracy to commit a crime, under the following statutes or a similar law of another jurisdiction:

- (i) AS 11.41.410 - 11.41.438;
- (ii) AS 11.41.440(a)(2);
- (iii) AS 11.41.450 - 11.41.458;
- (iv) AS 11.41.460 or AS 26.05.900(c) if the indecent exposure is before a person under 16 years of age and the offender has previously been convicted under AS 11.41.460 or AS 26.05.900(c);
- (v) AS 11.61.125 - 11.61.128;
- (vi) **former** AS 11.66.110, **former** 11.66.130(a)(2)(B), or AS 26.05.900(b) if the person who was induced or caused to engage in prostitution was under 20 years of age at the time of the offense;
- (vii) former AS 11.15.120, former 11.15.134, or assault with the intent to commit rape under former AS 11.15.160, former AS 11.40.110, or former 11.40.200;
- (viii) AS 11.61.118(a)(2) if the offender has a previous conviction for that offense;
- (ix) [AS 11.66.100(a)(2) IF THE OFFENDER IS SUBJECT TO PUNISHMENT UNDER AS 11.66.100(e);
- (x)] AS 26.05.890 if the person engaged in sexual penetration or sexual contact with the victim;
- (x)** [(xi)] AS 26.05.890 if, at the time of the offense, the victim is under a duty to obey the lawful orders of the offender, regardless of whether the offender is in the direct chain of command over the victim;

1                    (xi) [(xii)] AS 26.05.893 if the person engaged in sexual  
2 penetration or sexual contact with the victim;

3                    (xii) [(xiii)] AS 26.05.900(a)(1) - (4) if the victim is  
4 under 18 years of age at the time of the offense;

5                    (xiii) [(xiv)] AS 26.05.900 if, at the time of the offense,  
6 the victim is under a duty to obey the lawful orders of the offender,  
7 regardless of whether the offender is in the direct chain of command  
8 over the victim; or

9                    (xiv) [(xv)] AS 11.61.123 if the offender is subject to  
10 punishment under AS 11.61.123(g)(1) or (2);

11                    (xv) AS 11.41.340 - 11.41.355 [AS 11.61.123(f)(1) OR  
12 (2)];

13                    (D) an offense, or an attempt, solicitation, or conspiracy to  
14 commit an offense, under AS 26.05.935(b), or a similar law of another  
15 jurisdiction, if the member of the militia commits one of the following  
16 enumerated offenses punishable under Article 134, 10 U.S.C. 934 (Uniform  
17 Code of Military Justice):

18                    (i) child pornography; or

19                    (ii) pandering and prostitution if the person who is  
20 induced, enticed, caused, or procured to engage in a sexual act is under  
21 20 years of age at the time of the offense; or

22                    (E) an offense in which the person is required to register as a  
23 sex offender under the laws of another jurisdiction;

24 \* **Sec. 28.** AS 12.72 is amended by adding new sections to read:

25                    **Sec. 12.72.100. Vacation of judgment of conviction for prostitution or**  
26 **misconduct involving a controlled substance.** A person who, at the time of the  
27 offense, was or would have been a victim of sex trafficking as defined in  
28 AS 11.81.900, that was convicted or adjudicated delinquent for prostitution under  
29 AS 11.66.100(a)(1), misconduct involving a controlled substance under AS 11.71.050  
30 or 11.71.060, or a similar municipal ordinance may petition the court to vacate the  
31 judgment.

1           **Sec. 12.72.105. Filing of petition for vacation of judgment.** (a) A petition  
 2 under this chapter must be filed with the clerk at the court location where the  
 3 underlying criminal case was filed and a copy must be served on the prosecuting  
 4 authority responsible for obtaining the conviction.

5           (b) If the prosecuting authority does not file a response within 45 days after  
 6 service of the petition, the court may grant the vacation of judgment without further  
 7 proceedings.

8           **Sec. 12.72.110. Limitations on petitions for vacation of judgment.** (a) A  
 9 petition under this chapter may not be filed until a judgment has been entered or, if the  
 10 conviction was appealed, until the court's decision is final under the Alaska Rules of  
 11 Appellate Procedure.

12           (b) An action for a petition for a vacation of judgment under AS 12.72.100  
 13 does not give rise to the right to a trial by jury.

14           **Sec. 12.72.115. Presumption and burden of proof in vacation of judgment**  
 15 **proceedings.** (a) The person petitioning the court for a vacation of judgment of  
 16 conviction or adjudication of delinquency for prostitution under AS 11.66.100(a)(1) or  
 17 misconduct involving a controlled substance under AS 11.71.050 or 11.71.060 must  
 18 prove all factual assertions by a preponderance of the evidence.

19           (b) There is rebuttable presumption that a person who was under 18 years of  
 20 age at the time of the offense under AS 11.66.100(a)(1) was or would have been a  
 21 victim of sex trafficking.

22           **Sec. 12.72.120. Vacation of judgment.** (a) If the court grants the petition for a  
 23 vacation of judgment,

24                   (1) the judgment of conviction or adjudication of delinquency for  
 25 prostitution under AS 11.66.100(a)(1), misconduct involving a controlled substance  
 26 under AS 11.71.050 or 11.71.060, or a similar municipal ordinance shall be vacated;

27                   (2) the Alaska Court System may not publish on a publicly available  
 28 Internet website the court records of the conviction for prostitution under  
 29 AS 11.66.100(a)(1), misconduct involving a controlled substance under AS 11.71.050  
 30 or 11.71.060, or a similar municipal ordinance if the person was not convicted of a  
 31 felony charge in that case; and

(3) the Department of Public Safety may not release information related to the conviction for prostitution under AS 11.66.100(a)(1), misconduct involving a controlled substance under AS 11.71.050 - 11.71.060, or a similar municipal ordinance in response to a request under AS 12.62.160(b)(6), (8), or (9).

(b) The Alaska Court System shall remove a person's court records from a publicly available Internet website under (a)(2) of this section within 30 days after granting a petition for vacation of judgment.

\* **Sec. 29.** AS 18.66.010 is amended to read:

**Sec. 18.66.010. Council on Domestic Violence and Sexual Assault; purpose.** There is established in the Department of Public Safety the Council on Domestic Violence and Sexual Assault. The purpose of the council is to provide for planning and coordination of services to victims of domestic violence, sex trafficking, or sexual assault or to their families and to perpetrators of domestic violence and sexual assault and to provide for crisis intervention and prevention programs.

\* **Sec. 30.** AS 18.66.050 is amended to read:

**Sec. 18.66.050. Duties of the council.** The council shall

(1) hire an executive director, and the executive director may hire staff; the executive director is in the exempt service under AS 39.25.110 and staff members are in the classified service under AS 39.25.100;

(2) elect one of its members as presiding officer;

(3) in consultation with authorities in the field, develop, implement, maintain, and monitor domestic violence, sexual assault, and crisis intervention and prevention programs, including educational programs, films, and school curricula on the cause, prevention, and treatment of domestic violence, sex trafficking, and sexual assault;

(4) coordinate services provided by the Department of Law, the Department of Education and Early Development, the Department of Public Safety, the Department of Health and Social Services, the Department of Corrections, and other state agencies and community groups dealing with domestic violence, sex trafficking, sexual assault, and crisis intervention and prevention, and provide technical assistance as requested by those state agencies and community groups;

1 (5) develop and implement a standardized data collection system on  
2 domestic violence, sex trafficking, sexual assault, and crisis intervention and  
3 prevention;

4 (6) conduct public hearings and studies on issues relating to violence,  
5 including domestic violence, sex trafficking, and sexual assault, and on issues relating  
6 to the role of crisis intervention and prevention;

7 (7) receive and dispense state and federal money and award grants and  
8 contracts from appropriations for the purpose to qualified local community entities for  
9 domestic violence, sexual assault, and crisis intervention and prevention programs;

10 (8) oversee and audit domestic violence, sexual assault, and crisis  
11 intervention and prevention programs that receive money under this chapter;

12 (9) provide fiscal and technical assistance to plan, organize,  
13 implement, and administer domestic violence, sexual assault, and crisis intervention  
14 and prevention programs;

15 (10) make an annual report to the governor on the activities of the  
16 council, plans of the council for new services and programs, and concerns of the  
17 council, including recommendations for legislation necessary to carry out the purposes  
18 of this chapter; the council shall notify the legislature that the report is available;

19 (11) adopt regulations in accordance with AS 44.62 (Administrative  
20 Procedure Act) to carry out the purposes of this chapter and to protect the health,  
21 safety, well-being, and privacy of persons receiving services financed with grants or  
22 contracts under this chapter;

23 (12) consult with the Department of Health and Social Services in the  
24 formulation of standards and procedures for the delivery of services to victims of  
25 domestic violence by health care facilities and practitioners of healing arts and  
26 personnel in those facilities as required in AS 18.66.300;

27 (13) consult with the Alaska Police Standards Council and other police  
28 training programs in the state to develop training programs regarding domestic  
29 violence for police officers and for correction, probation, and parole officers;

30 (14) consult with public employers, the Alaska Supreme Court, school  
31 districts, and prosecuting authorities who are required by AS 18.66.300 - 18.66.310 to



1 provide continuing education courses in domestic violence to employees.

2 \* **Sec. 31.** AS 18.66.060 is amended to read:

3 **Sec. 18.66.060. Qualifications for grants and contracts.** A local community  
4 entity is qualified to receive a grant or contract under this chapter if it agrees to  
5 provide services approved by the council to victims of domestic violence, sex  
6 trafficking, or sexual assault or their families or to perpetrators of domestic violence  
7 or sexual assault without regard to ability to pay.

8 \* **Sec. 32.** AS 18.66.210 is amended to read:

9 **Sec. 18.66.210. Exceptions.** The privilege provided under AS 18.66.200 does  
10 not apply to

- 11 (1) reports of suspected child abuse or neglect under AS 47.17;
- 12 (2) evidence that the victim is about to commit a crime;
- 13 (3) a proceeding that occurs after the victim's death;
- 14 (4) a communication relevant to an issue of breach by the victim or  
15 victim counselor of a duty arising out of the victim-victim counselor relationship;
- 16 (5) a communication that is determined to be admissible hearsay as an  
17 excited utterance under the Alaska Rules of Evidence;
- 18 (6) a child-in-need-of-aid proceeding under AS 47.10;
- 19 (7) a communication made during the victim-victim counselor  
20 relationship if the services of the counselor were sought, obtained, or used to enable  
21 anyone to commit or plan a crime or to escape detection or apprehension after the  
22 commission of a crime; or
- 23 (8) a criminal proceeding concerning criminal charges against a victim  
24 of domestic violence, sex trafficking, or sexual assault where the victim is charged  
25 with a crime

- 26 (A) under AS 11.41 against a minor; or
- 27 (B) in which the physical, mental, or emotional condition of the  
28 victim is raised in defense of the victim.

29 \* **Sec. 33.** AS 18.66.250(3) is amended to read:

- 30 (3) "victim" means a person who consults a victim counselor for  
31 assistance in overcoming adverse effects of a sexual assault, sex trafficking, or

domestic violence;

\* **Sec. 34.** AS 18.66.990(2) is amended to read:

(2) "crisis intervention and prevention program" means a community program that provides information, education, counseling, and referral services to individuals experiencing personal crisis related to domestic violence, sex trafficking, or sexual assault and to individuals in personal or professional transition, excluding correctional half-way houses, outpatient mental health programs, and drug or alcohol rehabilitation programs;

\* **Sec. 35.** AS 18.67.101 is amended to read:

**Sec. 18.67.101. Incidents and offenses to which this chapter applies.** The board may order the payment of compensation in accordance with the provisions of this chapter for personal injury or death that resulted from

(1) an attempt on the part of the applicant to prevent the commission of crime, or to apprehend a suspected criminal, or aiding or attempting to aid a police officer to do so, or aiding a victim of crime; [OR]

(2) the commission or attempt on the part of one other than the applicant to commit any of the following offenses:

(A) murder in any degree;

(B) manslaughter;

(C) criminally negligent homicide;

(D) assault in any degree;

(E) kidnapping;

(F) sexual assault in any degree;

(G) sexual abuse of a minor;

(H) robbery in any degree;

(I) threats to do bodily harm;

(J) driving while under the influence of an alcoholic beverage, inhalant, or controlled substance or another crime resulting from the operation of a motor vehicle, boat, or airplane when the offender is under the influence of an alcoholic beverage, inhalant, or controlled substance;

(K) arson in the first degree;

(L) [SEX TRAFFICKING IN VIOLATION OF AS 11.66.110  
OR 11.66.130(a)(2)(B);

(M)] human trafficking in any degree; or

**(M)** [(N)] unlawful exploitation of a minor; **or**

**(3) the applicant being a victim of sex trafficking as defined in  
AS 11.81.900(b).**

\* **Sec. 36.** AS 18.85.100(c) is amended to read:

(c) An indigent person is entitled to representation under (a) and (b) of this section for purposes of bringing a timely application for post-conviction relief **or a petition for vacation of judgment** under AS 12.72. An indigent person is not entitled to representation under (a) and (b) of this section for purposes of bringing

(1) an untimely or successive application for post-conviction relief **or a petition for vacation of judgment** under AS 12.72 or an untimely or successive motion for reduction or modification of sentence;

(2) a petition for review or certiorari from an appellate court ruling on an application for post-conviction relief; or

(3) an action or claim for habeas corpus in federal court attacking a state conviction.

\* **Sec. 37.** AS 28.15.046(c) is amended to read:

(c) The department may not issue a license under this section to an applicant

(1) who has been convicted of any of the following offenses:

(A) a violation, or an attempt, solicitation, or conspiracy to commit a violation, of AS 11.41.100 - 11.41.220, 11.41.260 - 11.41.320, 11.41.360 - 11.41.370, 11.41.410 - 11.41.470, or 11.41.500 - 11.41.530;

(B) a felony violation of endangering the welfare of a child in the first degree under AS 11.51.100;

(C) felony indecent viewing or production of a picture under AS 11.61.123;

(D) distribution of child pornography under AS 11.61.125;

(E) possession of child pornography under AS 11.61.127;

(F) distribution of indecent material to minors under

AS 11.61.128;

(G) [FELONY PROSTITUTION UNDER AS 11.66.100(e);

(H)] sex trafficking in the first, second, or third degree

[UNDER AS 11.66.110 - 11.66.130];

**(H)** [(I)] a felony involving distribution of a controlled substance under AS 11.71 or imitation controlled substance under AS 11.73;

**(I)** [(J)] a felony violation under AS 28.35.030(n) or 28.35.032(p);

**(J) patron of a victim of sex trafficking under AS 11.41.355;**

or

(2) who has been convicted of any of the following offenses and less than two years have elapsed since the applicant's date of conviction for the offense:

(A) assault in the fourth degree under AS 11.41.230;

(B) reckless endangerment under AS 11.41.250;

(C) contributing to the delinquency of a minor under AS 11.51.130;

(D) misdemeanor prostitution under AS 11.66.100(a)(2);

(E) a misdemeanor violation of endangering the welfare of a child in the first degree under AS 11.51.100.

\* **Sec. 38.** AS 34.03.360(10) is amended to read:

(10) "illegal activity involving a place of prostitution" means a violation of **AS 11.41.350(a)(2)** [AS 11.66.120(a)(1) OR 11.66.130(a)(2)(A) OR (D)];

\* **Sec. 39.** AS 43.23.005 is amended by adding a new subsection to read:

(i) The provisions of (d) of this section do not apply if an individual's conviction was vacated during the qualifying year under AS 12.72. If an individual becomes eligible under this subsection, the individual is eligible to receive a permanent fund dividend only for the qualifying year in which the conviction was vacated and each subsequent qualifying year for which the individual is otherwise eligible under this section.

\* **Sec. 40.** AS 44.23.080(a) is amended to read:

(a) If there is reasonable cause to believe that an Internet service account has

1        been used in connection with a violation of AS 11.41.340 - 11.41.350, 11.41.452  
 2        [AS 11.41.452], 11.41.455, or AS 11.61.125 - 11.61.128, and that the identity,  
 3        address, and other information about the account owner will assist in obtaining  
 4        evidence that is relevant to the offense, a law enforcement officer may apply to the  
 5        attorney general or the attorney general's designee for an administrative subpoena to  
 6        obtain the business records of the Internet service provider located inside or outside of  
 7        the state.

8        \* **Sec. 41.** AS 47.10.990(33) is amended to read:

9                        (33) "sexual abuse" means the conduct described in AS 11.41.410 -  
 10        11.41.460; conduct constituting "sexual exploitation" as defined in AS 47.17.290; [,]  
 11        and conduct prohibited by AS 11.41.340 - 11.41.357 [AS 11.66.100 - 11.66.150];

12        \* **Sec. 42.** AS 47.12.110(d) is amended to read:

13                        (d) Notwithstanding (a) of this section, a court hearing on a petition seeking  
 14        the adjudication of a minor as a delinquent shall be open to the public, except as  
 15        prohibited or limited by order of the court, if

16                        (1) the department files with the court a motion asking the court to  
 17        open the hearing to the public, and the petition seeking adjudication of the minor as a  
 18        delinquent is based on

19                                (A) the minor's alleged commission of an offense, and the  
 20        minor has knowingly failed to comply with all the terms and conditions  
 21        required of the minor by the department or imposed on the minor in a court  
 22        order entered under AS 47.12.040(a)(2) or 47.12.120;

23                                (B) the minor's alleged commission of

24                                        (i) a crime against a person that is punishable as a  
 25        felony;

26                                        (ii) a crime in which the minor employed a deadly  
 27        weapon, as that term is defined in AS 11.81.900(b), in committing the  
 28        crime;

29                                        (iii) arson under AS 11.46.400 - 11.46.410;

30                                        (iv) burglary under AS 11.46.300;

31                                        (v) distribution of child pornography under

AS 11.61.125;

(vi) sex trafficking [IN THE FIRST DEGREE] under AS 11.41.340 or 11.41.345 [AS 11.66.110]; or

(vii) misconduct involving a controlled substance under AS 11.71 involving the delivery of a controlled substance or the possession of a controlled substance with intent to deliver, other than an offense under AS 11.71.040 or 11.71.050; or

(C) the minor's alleged commission of a felony and the minor was 16 years of age or older at the time of commission of the offense when the minor has previously been convicted or adjudicated a delinquent minor based on the minor's commission of an offense that is a felony; or

(2) the minor agrees to a public hearing on the petition seeking adjudication of the minor as a delinquent.

\* **Sec. 43.** AS 47.12.315(a) is amended to read:

(a) Notwithstanding AS 47.12.310 and except as otherwise provided in this section, the department shall disclose information to the public, on request, concerning a minor subject to this chapter who was at least 13 years of age at the time of commission of

(1) a felony offense against a person under AS 11.41;

(2) arson in the first or second degree;

(3) burglary in the first degree;

(4) distribution of child pornography;

(5) sex trafficking under AS 11.41.340 or 11.41.345 [IN THE FIRST DEGREE];

(6) misconduct involving a controlled substance in the first, second, or third degrees involving distribution or possession with intent to deliver; or

(7) misconduct involving weapons in the first through fourth degrees.

\* **Sec. 44.** AS 47.17.290(18) is amended to read:

(18) "sexual exploitation" includes

(A) allowing, permitting, or encouraging a child to engage in a commercial sexual act prohibited by AS 11.41.340 - 11.41.357 or

1 prostitution prohibited by **AS 11.66.100** [AS 11.66.100 - 11.66.150], by a  
 2 person responsible for the child's welfare;

3 (B) allowing, permitting, encouraging, or engaging in activity  
 4 prohibited by AS 11.41.455(a), by a person responsible for the child's welfare.

5 \* **Sec. 45.** AS 11.31.120(h)(2)(E), 11.31.120(h)(2)(F); AS 11.41.360(b), 11.41.470(7);  
 6 AS 11.56.765(c)(3), 11.56.767(c)(3); AS 11.66.100(b), 11.66.100(c)(1)(Z), 11.66.100(e),  
 7 11.66.110, 11.66.120, 11.66.130, 11.66.135, 11.66.140, 11.66.145, and 11.66.150 are  
 8 repealed.

9 \* **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to  
 10 read:

11 **APPLICABILITY.** (a) The following sections apply to offenses committed on or after  
 12 the effective date of those sections:

- 13 (1) AS 11.41.340 - 11.41.357, enacted by sec. 3 of this Act;
- 14 (2) AS 11.41.360(a), as amended by sec. 4 of this Act;
- 15 (3) AS 11.41.360(c), as amended by sec. 5 of this Act;
- 16 (4) AS 11.41.365, as amended by sec. 6 of this Act;
- 17 (5) AS 11.41.366 - 11.41.369, enacted by sec. 7 of this Act;
- 18 (6) AS 11.41.530(a), as amended by sec. 8 of this Act;
- 19 (7) AS 11.66.100(c), as amended by sec. 9 of this Act;
- 20 (8) AS 11.66.100(d), as amended by sec. 10 of this Act;
- 21 (9) AS 11.66.100(f), enacted by sec. 11 of this Act;
- 22 (10) AS 11.81.250(a), as amended by sec. 12 of this Act;
- 23 (11) AS 11.81.250(b), as amended by sec. 13 of this Act;
- 24 (12) AS 12.10.010(a), as amended by sec. 15 of this Act;
- 25 (13) AS 12.37.010, as amended by sec. 16 of this Act.

26 (b) The following sections apply to sentences imposed on or after the effective date of  
 27 those sections for conduct occurring on or after the effective date of those sections:

- 28 (1) AS 12.55.035(b), as amended by sec. 18 of this Act;
- 29 (2) AS 12.55.078(f), as amended by sec. 19 of this Act;
- 30 (3) AS 12.55.085(f), as amended by sec. 20 of this Act;
- 31 (4) AS 12.55.125(b), as amended by sec. 21 of this Act;

- (5) AS 12.55.125(i), as amended by sec. 22 of this Act;
- (6) AS 12.55.135(q), enacted by sec. 23 of this Act;
- (7) AS 12.55.185(10), as amended by sec. 24 of this Act;
- (8) AS 12.55.185(16), as amended by sec. 25 of this Act;
- (9) AS 12.62.900(23), as amended by sec. 26 of this Act.

(c) AS 12.63.100(7), as amended by sec. 27 of this Act, applies to the duty to register as a sex offender for offenses committed on or after the effective date of sec. 27 of this Act.

(d) AS 12.72.100 - 12.72.120, enacted by sec. 28 of this Act, and AS 18.85.100(c), as amended by sec. 36 of this Act, apply to petitions filed on or after the effective date of sec. 28 of this Act for conduct occurring before, on, or after the effective date of sec. 28 of this Act.

(e) The following sections apply to communications made on or after the effective date of those sections relating to offenses occurring on or after the effective date of those sections:

- (1) AS 09.25.400, as amended by sec. 2 of this Act;
- (2) AS 12.45.049, as amended by sec. 17 of this Act;
- (3) AS 18.66.210, as amended by sec. 32 of this Act;
- (4) AS 18.66.250(3), as amended by sec. 33 of this Act.

\* **Sec. 47.** Section 28 of this Act takes effect January 1, 2023.

\* **Sec. 48.** Except as provided in sec. 47 of this Act, this Act takes effect July 1, 2022.